



Town of Merrimack, New Hampshire

Community Development Department

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Planning - Zoning - Economic Development - Conservation

MEMORANDUM

Date: June 2, 2016

To: Robert Best, Chairman, & Members, Planning Board

From: Robert Price, Assistant Planner

Subject: **Steven B. Keach, P.E. of Keach Nordstrom Associates, Inc. for OM Shanti OM Realty Management, LLC. (applicant/owner)** — Review for acceptance and consideration of Final Approval for a waiver of full site plan review for a gas station modernization with convenience store. The parcel is located at 392 Daniel Webster Highway in the C-2 (General Commercial) and Aquifer Conservation Districts. Tax Map 4D-3, Lot 031.

Background

Map 4D, Lot 031 is located at 392 Daniel Webster Highway in the C2 (General Commercial) and Aquifer Protection Districts. The parcel is approximately 1.27 acres in size. This property is the location of the "New World Gas" fueling station, and is serviced by public water (MVD) and sewer.

Abutting the property is a private residence to the northwest, Neat Auto Sales to the north, Classic Motorsports to the southwest & south. Across Daniel Webster Highway are Advantage Insurance and a commercial condo housing several businesses.

The applicant is requesting a waiver of full site plan review to permit the replacement of the existing 22' x 48' canopy with a larger 44' x 48' canopy. Additionally, the applicant is proposing addition of two fueling stations to make a total of four (only two exist at present). The applicant was granted a variance by the Zoning Board of Adjustment to permit the construction of a new canopy 30 feet from Daniel Webster Highway whereas 50 feet is required on March 30.

Part of the driving force behind the site improvements are recent New Hampshire Department of Environmental Services rule changes which require the replacement and upgrading of underground tanks and fueling equipment for all non-compliant gas stations across New Hampshire. The subject property is one of the stations affected by the change.

Although no comments were received from the Wastewater Division, design and construction will require their approval first due to the location of the sewer line.

Completeness

Staff recommends that the Board vote to accept the application, as it is substantially complete and contains sufficient information to invoke the Board's jurisdiction and to allow the Board to make an informed decision.

Waivers

The applicant has requested a waiver of full site plan review. The applicant is not requesting any additional waivers at this time, however should any be requested, staff recommends *that they be*

provided in writing to the Board, and that the Board vote with respect to any requested waivers utilizing the criteria from RSA 674:44:

- Strict conformity would pose an unnecessary hardship to the applicant and waiver would not be contrary to the spirit and intent of the regulations; **or**
- Specific circumstances relative to the site plan, or conditions of the land in such site plan, indicate that the waiver will properly carry out the spirit and intent of the regulations.

Parking

The gas station and convenience store uses require a combined total of 15 parking spaces. The applicant has provided 18 striped spaces, plus an additional 8 spaces at the fueling stations for a total of 26 spaces on site.

Recommendation

Staff recommends that should the Board grant conditional final approval to the application, it is granted with the following precedent conditions to be fulfilled within 6 months and prior to plan signing, unless otherwise specified:

1. Final plans to be signed by all property owners and all appropriate professional endorsements and signatures shall be added to the final plans and mylars, as applicable;
2. The applicant shall obtain any required State approvals/permits as may be applicable, note the approvals/permits on the plan and provide copies to the Community Development Department;
3. Any waivers granted (including Section and date granted) or any changes requested by the Planning Board shall be listed and fully described on the final plan, as applicable;
4. The applicant shall indicate any proposed easements on the plan, as applicable. A draft copy of any proposed easements and any applicable legal documents shall be submitted to the Community Development Department for review and approval by the Town's Legal Counsel (legal review shall be performed at the applicant's expense);
5. The applicant shall address any forthcoming comments from Merrimack Village District, as applicable;
6. The applicant shall address the following comments from the Public Works Department:
 - a. Applicant shall add a note to the plan indicating any work within the public right-of-way will require a permit from the Public Works Department, Highway Division.
 - b. The proposed plan indicates two exit points as evidenced by the stop bars at both curb cuts. Currently there is an exit sign at the southern curb cut and an enter only sign at the northern curb cut. We believe the traffic pattern as signed should remain in effect with updated signs meeting the MUTCD.
 - c. Detailed grading should be shown in front of the sidewalk section and curb openings to show that ponding into the roadway will not occur.

- d. The outfall for the site drainage should be shown on the plans (does it infiltrate on site or leave the site?); If determined to be part of the drainage system, the flow should be redirected to infiltrate on site.
7. The applicant shall address the following technical comments from Planning staff:
- a. Traffic flow arrows/marking shall be added to both driveways.
 - b. The plan shall be revised to correct the Map number in the title block to Map 4D-3.
 - c. A note shall be added to the plan indicating the site is serviced by public water (MVD) and municipal sewer.
 - d. A note shall be added to the plan indicating that all signage will comply with Town regulations.
 - e. Applicant to note and clarify parking spaces and curbing to be removed to accommodate the larger canopy.
 - f. Applicant shall add the required statement from Section 4.06.1.k of the regulations to the notes on the Site Plan.
 - g. The Wastewater Division must approve design and construction due to the location of the sewer line and proposed new fuel dispensers.

Staff also recommends that the following general and subsequent conditions be placed on the approval:

1. The Building Department notes that the requirements of the most recently-adopted building, fire safety and electrical codes will be enforced.
2. The applicant shall address the following comments from the Fire Department:
 - a. As this proposal is for a new canopy above fuel dispensing islands, the canopy shall have an approved fire suppression system installed and connected to the buildings fire alarm system. (Town of Merrimack Building Zoning Ordinance and Building Code, Section 11) Plans shall be provided to this office for review and approval before a permit can be issued.
 - b. The building shall be protected by an approved NFPA-72 fire alarm system. Plans shall be provided to this office for review and approval before a permit can be issued.

Cc: Planning Board File
Correspondence

Ec: Steve Keach, Keach-Nordstrom Associates, Inc.
OM Shanti OM Realty Management, LLC
Building Department Staff
John Manuele, Merrimack Fire Department